

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
ROANOKE DIVISION

ANTONARI ALEXANDER,)	
)	
Plaintiff,)	Civil Action No. 7:22cv00398
)	
v.)	<u>MEMORANDUM OPINION</u>
)	
GIBSON, <i>et al.</i> ,)	By: Hon. Thomas T. Cullen
)	United States District Judge
Defendants.)	

Plaintiff Antonari Alexander, a former inmate proceeding *pro se*, filed this civil action under 42 U.S.C. § 1983. In a letter dated December 12, 2022, Alexander advised the court that he would be released soon and inquired about how to proceed with this action *in forma pauperis* as a non-inmate. (*See* ECF No. 32.) In a notice postmarked December 19, 2022, Alexander advised the court that he had been released from incarceration and he provided the court with an updated address. (*See* ECF No. 30.)

By order entered December 27, 2022, the court advised Alexander that, because he was no longer an inmate, he would not be allowed to pay the filing fee in installments under the Prison Litigation Reform Act.¹ (*See* ECF No. 31.) The court ordered Alexander to pay the balance of the filing fee or otherwise respond to the order within 10 days. (*Id.*) The court provided an application to proceed *in forma pauperis* as a non-inmate with the order and warned

¹ Alexander's letter advising the court that he would be released was received after the court issued the order to pay the filing fee, but that letter was *postmarked*, and therefore mailed by Alexander, over a week *before* the court issued the order to pay the filing fee. Therefore, although a cursory review of the docket might suggest that the court issued the order to pay before Alexander was released, from Alexander's point of view, the order to pay came a week after he mailed his letter advising the court of his imminent release.

Alexander that failure to pay the filing fee or otherwise respond to the order would result in immediate dismissal of the action without prejudice. (*Id.*)

To date, Alexander has not responded to the court's order. Accordingly, the court will dismiss this action without prejudice for failure to comply with the court's order.

ENTERED this 11th day of May, 2023.

/s/ Thomas T. Cullen
HON. THOMAS T. CULLEN
UNITED STATES DISTRICT JUDGE